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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/840,193	04/23/2001	Tsutomu Kawano	01246/LH	3939	
1933	7590 07/29/2005		EXAMINER		
	HOLTZ, GOODMAI	EDWARDS, PATRICK L			
220 5TH AVE FL 16 NEW YORK, NY 10001-7708			ART UNIT	PAPER NUMBER	
			2621		
			DATE MAILED: 07/29/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	
Before the Filing of an Appeal Brie	ef.

Application No.	Applicant(s)		
09/840,193	KAWANO, TSUTOMU		
Examiner	Art Unit		
Patrick L. Edwards	2621		

Advisory Action	09/840,193	KAWANO, ISUTON	10		
Before the Filing of an Appeal Brief	Examiner	Art Unit			
	Patrick L. Edwards	2621			
The MAILING DATE of this communication appe	ears on the cover sheet with the d	correspondence add	ress		
THE REPLY FILED 19 July 2005 FAILS TO PLACE THIS APP					
 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: The period for reply expiresmonths from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no 					
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).					
Extensions of time may be obtained under 37 CFR 1.136(a). The date on been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened st above, if checked. Any reply received by the Office later than three month earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	and the corresponding amount of the fee. atutory period for reply originally set in the ns after the mailing date of the final rejecti	The appropriate extension of final Office action; or (2) on, even if timely filed, ma	on fee under 37 as set forth in (b) ny reduce any		
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS					
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);					
 (b) They raise the issue of new matter (see NOTE below) (c) They are not deemed to place the application in beautiful appeal; and/or 	etter form for appeal by materially r) the issues for		
(d) ☐ They present additional claims without canceling a		ejected claims.			
NOTE: (See 37 CFR 1.116 and 41.33(a))					
 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling 					
the non-allowable claim(s).					
7. Tor purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed: Claim(s) objected to:					
Claim(s) rejected: Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE					
8. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).					
9. The affidavit or other evidence filed after the date of filin entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessary.	overcome <u>all</u> rejections under appears and was not earlier presented.	eal and/or appellant fa See 37 CFR 41.33(d)(nils to provide a (1).		
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER					
 The request for reconsideration has been considered b See Continuation Sheet. 	ut does NOT place the application	in condition for allowa	ince because:		
12. Note the attached Information Disclosure Statement(s) 13. Other:	. (PTO/SB/08 or PTO-1449) Paper	No(s).			
	o. (PTO/SB/08 or PTO-1449) Paper	ANDREW W. JO PRIMARY EXAM			

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are unpersuasive for the following reasons.

Applicant alleges that Kido only discloses object region extraction, and does not disclose the claimed contour recognizing means. Specifically, applicant argues that figure 18 of Kido shows that the irradiation field corresponds to the object region of the present invention (remarks, pg. 6).

Applicant's argument has been fully considered but is not persuasive. Applicant correctly states that the irradiated field region of Kido corresponds to the claimed "object region." However, this does not preclude Kido from disclosing the required contour recognizing means. Kido discloses this limitation at col. 16 as was discussed in the previous office action.

Applicant further alleges that Kido does not disclose classifying judgment criteria for each of plural different kinds predetermined contours and a feature amount. Specifically, applicant argues that the characteristic value of Kido is used for irradiation field region extraction and thus Kido does not disclose classifying judgment critera.

Applicant's argument has been fully considered but is unpersuasive. Kido discloses a threshold that is used to judge the kind of recognized contour (col. 16 lines 44-59). This threshold qualifies as the claimed classifying judgment critera. Further, the characteristic value disclosed in Kido is analogous to the claimed feature amount because it is "regarding the kind of recognized contour." The phrase "regarding the kind of recognized contour" is a broad, wide-encompassing term. Applicant is also reminded that claims are given their broadest reasonable interpretation. With such an interpretation, Kido anticipates the claim because the characteristic values are disclosed to be statistical values which are in regard to the kind of recognized contour (i.e. type of object, positional characteristics, configurational characteristics, patient information, etc.).)

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